

HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.8820 OF 2005

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Dated:16.11.2006

Between

M/s Hindustan Ship Yard Staff
Co-Op. Building Society Limited,
Visakhapatnam, repled by its Vice
President- B.Mohan Rao.

.....
PETITIONER

And

State of A.P. repled by its
Registrar of Co-Operative
Societies, Hyderabad and
three others.

.....RESPONDENTS

HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.8820 OF 2005

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ORDER:

This writ petition is filed by M/s Hindustan Shipyard
Staff Co-Operative Building Society Limited,

Visakhapatnam being aggrieved by the order dated 01.03.2005 made in O.A.No.155 of 2004 on the file of A.P. Co-Operative Tribunal, Visakhapatnam, wherein the orders dated 18.02.2002, passed by the Co-Operative Sub-Registrar/ Arbitrator under Section-71 (1) of A.P. Co-Operative Societies Act (for short 'the Act') in A.R.C.No.155/2001-2002, ordering recovery of a sum of Rs.45,133-75 paise being arrears to the bank from one P.Haranath (fourth respondent herein), was set aside.

There is no necessity of going into all the details. It appears that the Co-Operative Sub-Registrar/Arbitrator working in the office of Deputy Registrar/Divisional Co-Operative Officer at Visakhapatnam was authorized by the Deputy Registrar under Section-62 of the Act to conduct arbitration proceedings and accordingly, he issued a notice to the fourth respondent herein to attend for hearing of the Arbitration Reference Case (A.R.C) on 22.10.2001 vide A.R.C.No.155/01-02 dated 15.10.2001. The Co-Operative Sub-Registrar/Arbitrator should have continued the A.R.C. and issued an award under Section-62 of the Act, after recording brief note of the evidence of the parties and witnesses who attended. But, the Co-Operative Sub-Registrar/Arbitrator has exceeded his jurisdiction and issued a certificate under Section-71 (1) of the Act, for which he is not competent to exercise. Further, no enquiry was conducted under Section-71 of

the Act before issuing a certificate under Section-71 of the Act. It appears that instead of proceeding under Section-62 of the Act, the Co-Operative Sub-Registrar/Arbitrator exceeded his jurisdiction and proceeded to issue a certificate under section-71 (1) of the Act without conducting any enquiry into the matter.

Under the above circumstances, I am of the opinion that the appellate authority-tribunal has not committed any error in reversing the orders passed by the Co-Operative Sub-Registrar/Arbitrator in A.R.C.No.155/2001-02, calling for interference by this Court under Article-226 of the Constitution of India. The writ petition is, therefore, devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. However, this will not preclude the petitioner from working out its remedies as available under the law and recovering the amounts from the fourth respondent herein. No order as to costs.

(C.V.RAMULU, J)

16.11.2006
DR